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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,668	01/06/2000	GARY A. BANNON	HS-102-DIV	1978

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EXAMINER

ART UNIT	PAPER NUMBER
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29

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/478,668

Applicant(s)

BANNON ET AL.

Examiner

Phuong Huynh

Art Unit

1644

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 16 June 2003 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☒ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet

Continuation of 9. Other (including any explanation in support of the above items): Appellant's brief includes four statements as to (1) claims 37-51 and 65-71 stand or fall together. (2) claim 53 stands or falls alone. (3) Claims 60-62 stand or fall together and (4) Claims 63-64 stand or fall together. However, the brief fails to provide reasons as set forth in 37 CFR 1.192(c)(7) in support of why grouping of claims 37-51 and 65-71 in (1) stand or fall together not with claim 53 in (2), claims 60-62 in (3) and claims 63-64 in (4), for example. Why claim 53 stands or falls alone and not with claims 37-51 and 65-71 in (1), claims 60-61 in (3) and claims 63-64 in (4)? Why claims 60-62 stand or fall together and not with claims 37-51 and 65-71 in (1), claim 53 in (2) and claims 63-64 in (4)? Why claims 63-64 stand or fall together not with claims 37-51 and 65-71 in (1), claim 53 in (2), and claims 60-62 in (3)?

Further, Appellant's should note that there are 9 issues on appeal in the brief. However, Appellant does not include a statement and reasons in support thereof as set forth in 37 CFR 1.192(c)(7) that in issue 1 and 2, the grouping of claims 37-51, 53, and 60-71 under 35 USC 112 enablement and written description stand or fall together, for example. In issue 3, whether claims 65-69 rejected for containing New matter stand or fall together. In issue 4, whether claims 35-51, 53 and 60-71 rejected under USC 112 second paragraph stand or fall together. In issue 5, whether claims 37-39, 41-46, 48-51 and 53 rejected under USC 102(b) stand or fall together. In issue 6, whether claims 37, 60-61 and 63-71 rejected under 102(a) stand or fall together. In issue 7, whether claims 37 and 47 rejected under USC 103(a) obvious in light of 5,547,669 and Hoynes stand or fall together. In issue 8, whether claim 37 rejected under USC 103(a) obvious in light of 5,547,669 and Burkes (1994) stands or falls alone. In issue 9, whether claims 60-62 rejected under USC 103(a) obvious in light of 5,547,669 or Burkes (1997) each in view of 5,449,669 stand or fall together. .



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